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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,904	09/30/2003	Cecil Kost	MMSI121562	8999

26389 7590 09/16/2005

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EXAMINER	
LASTRA, DANIEL	
ART UNIT	**PAPER NUMBER**
3622	

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/674,904	KOST ET AL.	
	Examiner	Art Unit	
	DANIEL LASTRA	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,16-25,31-45 and 51-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,16-25,31-45 and 51-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-10, 16-25, 31-45 and 51-55 have been examined. Application 10/674,904 has a filing date 09/30/2003 and Claims Priority from Provisional Application 60/472,956 (05/22/2003).

Response to Amendment

2. In response to Telephone Interview on July 25, 2005 the Examiner agreed to withdraw the finality of Office Action filed 08/01/2005.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-3 and 5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of: (1) whether the invention is within the technological arts; and (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory

subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, the instant claims fail to recite the use of any type of technology (e.g. computer system) within the recited steps of a system for promoting pharmaceutical drugs.

Mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result.

Although the claimed invention produces a useful, concrete and tangible result, since the claimed invention as a whole is not within the technological arts, as explained above, claims 1-3 and 5 are deemed to be directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6, 21 and 31-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Pham (US 2002/0065683).

As per claim 6, Pham teaches:

A system for distributing pharmaceutical drugs, comprising:

a drug sample fulfillment platform for accessing drug sample services (see paragraph 119-132); and

a first set of Web pages coupled to the drug sample fulfillment platform through which a prescriber can access the drug sample fulfillment platform to order drug samples (see Pham paragraphs 118-132).

As per claim 21, Pham teaches:

A networked system for ordering pharmaceutical sample drugs, comprising:

a drug sample fulfillment platform that comprises a drug sample Web site for mating with a Web portal when a prescriber selects a hyperlink (see paragraph 118-132)

the drug sample Web site presenting a Web page including selectable options for the prescriber to order drug samples (see Pham paragraphs 118-132).

As per claim 31, Pham teaches:

A method for accessing a drug sample fulfillment platform, comprising:

activating a link to access the drug sample fulfillment platform from a Web portal; creating a transaction that includes a prescriber identifier and a partner identifier (see paragraph 118-132); and

mating a drug sample Web site to the Web portal allowing a prescriber to navigate and order drug samples (see Pham paragraphs 118-132).

As per claim 32, Pham teaches:

The method of Claim 31, further comprising formatting a set of Web pages of the drug sample Web site prior to the act of mating to emulate the look and feel of the Web portal (see paragraphs 118-132).

As per claim 33, Pham teaches:

The method of Claim 31, causing the prescriber to register if the prescriber identifier is not found in a request database (see paragraph 41).

As per claim 34, Pham teaches:

The method of Claim 31, based on a segment to which the prescriber belongs, determining one or more of the following:

what drug samples that are available to the prescriber (see paragraphs 118-132); a drug sample quantity limit that is available to the prescriber; a drug sample time limit in which the drug sample quantity limit is available; and the type of sample that is available to the prescriber.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feeney (US 2002/0032582) in view of Pham (US 2002/0065683).

As per claim 1, Feeney teaches:

A *computer-implemented* system for promoting pharmaceutical drugs, comprising:

a set of brand rules for guiding a distribution of drug samples of a drug (see Feeney paragraphs 14, 37; 274-275); and

a drug sample fulfillment platform for implementing the set of brand rules to allow a prescriber to obtain drug samples to dispense to a patient (see Feeney paragraphs 37, 40, 59-61, 118, 216, 239, 241, 257-260, 268, 282-284) but fails to teach without the use of a sales representative. However, Pham teaches a system that allows physicians to order samples without the use of a sale representative (see Pham paragraphs 118-132). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Feeney would target sample medications to physicians by tracking said physicians' sample medication dispensing (see Feeney paragraph 37) and would use the Pham's system to allow said physicians to order said targeted sample products without the use of a sales representative (i.e. via the Internet). Feeney would have been motivated to add the Pham's feature of allowing physicians to order sample products without the use of sale representative (i.e. via the Internet) in view that physicians are busier than ever and gaining access to said physicians is extremely difficult for pharmaceutical representatives. Therefore, allowing physicians to order sample products without the use of a sale representative (i.e. via the Internet) would avoid interrupting a physician's busy schedule to deliver to said physician detailing information and sample medication.

As per claim 2, Feeney teaches:

The system of Claim 1, wherein drug samples include physical samples (see paragraph 246).

As per claim 3, Feeney teaches:

The system of Claim 1, wherein drug samples include a pad of pre-printed vouchers (see paragraph 118).

As per claim 4, Feeney teaches:

The system of Claim 1, wherein drug samples include a coupon printed in the office of the prescriber, which is networked to the drug sample fulfillment platform (see paragraph 282).

As per claim 5, Feeney teaches:

The system of Claim 1, wherein the drug samples, which are in a printed form, are redeemable at a pharmacy, redeemed data being generated by the drug sample fulfillment platform for refining the brand rules so as to better guide distribution of the drug samples (see paragraph 282-284).

As per claim 51, Feeney teaches:

The system of Claim 1, wherein said fulfillment platform comprising:

A pharma rules sample engines for performing personalization and intelligent brand rule implementation (see paragraphs 37, 274-275);

A marketing sample engine for integrating with drug samples suppliers and Web portals for prescribers (see paragraphs 281-282) and

The pharma rules sample engine and the marketing sample engine being based on the set of brand rules and on a set of prescriber preferences (see paragraph 258-259).

As per claim 52, Feeney teaches:

The system according of claim 51, wherein the marketing sample engine links the drug sample fulfillment platform to one or more suppliers and drug samples so as to inhibit the lack of supply of sample drugs desired by the prescriber or inhibit the inconsistent supply of drug samples desired by the prescriber (see paragraph 259).

Claims 7-10, 16-20, 22-25, 35-45 and 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pham (US 2002/0065683) in view of Feeney (US 2002/0032582).

As per claim 7, Pham teaches:

The system of Claim 6, further comprising a second set of Web pages coupled to the drug sample fulfillment platform through which a sales representative can access the drug sample fulfillment platform (see Pham paragraph 35) but does not teach to print coupons. However, Feeney teaches a system that print sample coupons or vouchers (see Feeney paragraph 284). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Pham would allow sales representative to access the sample request website to print sample coupons, as taught by Feeney. Pham would have been motivated to add the Feeney's feature of allowing sales representative to print sample coupons in order to

allow said sales representative to have instant access to said sample medication without the need to visit a drug company.

As per claim 8, Pham teaches:

The system of Claim 6, but fails to teach further comprising a third set of Web pages coupled to the drug sample fulfillment platform through which a patient can access the drug sample fulfillment platform to obtain sample vouchers. However, Feeney teaches a system that generates patients' samples vouchers to allow said patients to have their sample filled at another location (see Feeney paragraph 118). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Pham would allow patients to access the Pham's sample request website to print sample vouchers, as taught by Feeney. Pham would have been motivated to add the feature of allowing patients to obtain sample vouchers via the Internet in order to allow said patients to have instant access to said sample medication with the approval of the patient's physician.

As per claim 9, Pham teaches:

The system of Claim 6, but fails to teach wherein the first set of Web pages display a list of drug samples available to the prescriber to order drug samples in a form selected from a group consisting of physical samples, pre-printed vouchers, and print on-demand coupons. Please rejection of claim 16.

As per claim 10, Pham teaches:

The system of Claim 6, wherein the first set of Web pages display a list of the order history of the prescriber, the list including a date and a drug sample ordered by

the prescriber. However, Feeney teaches a system that displays a list of the order history of the prescriber, the list including a date and a drug sample ordered by the prescriber. (see Feeney paragraph (see paragraphs 216, 290). Pham would have been motivated to add the feature of displaying a list of the order history of the prescriber, the list including a date and a drug sample ordered by the prescriber in order to said list to better target sample medications to physicians.

As per claim 16, Pham teaches:

A drug sample fulfillment platform, comprising:

a drug sample Web site for mating with a portal that is selected from a group consisting of prescriber-oriented Web portals, an e-Detailing service, a Web site regarding a drug brand, and an online physician learning site (see paragraph 118-131); and

a request database for receiving requests of a prescriber through the drug sample Web site for drug samples, the request database responding to the prescriber (see paragraphs 118-132) but fails to teach by allowing the prescriber to print coupons or to print an order form for physical samples or pads of pre-printed vouchers. However, Feeney teaches a system that allows prescribers to print sample coupons or vouchers (see Feeney paragraph 284). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Pham would allow prescribers to access the sample request website to print sample coupons or vouchers, as taught by Feeney. Pham would have been motivated to add the Feeney's feature of allowing prescribers to print sample coupons via the Internet in order to allow

said prescribers to have instant access to said sample medication without the need to visit a drug company.

As per claim 17, Pham teaches:

The drug sample fulfillment platform of Claim 16, but fails to teach wherein the request database receives claim information when a patient redeems a print coupon or a preprinted voucher for physical samples. However, Feeney teaches a system that receives claim information when a patient redeems a voucher (see paragraph 52). Pham would have been motivated to add the feature of receiving claim information when a patient redeems a sample voucher for the purpose of tracking said patient redemptions and using said tracking for targeting advertisements to said patients.

As per claim 18, Pham teaches:

The drug sample fulfillment platform of Claim 17, but fails to teach wherein the request database produces a first report accounting for the number of coupons or vouchers redeemed by patients of the prescriber. However, Feeney's system produces a accounting report for the number of coupons redeem (see paragraphs 274-275). Pham would have been motivated to add the feature of accounting for the number of coupons redeem by patients in order to target advertisements to said patients and physicians.

As per claim 19, Pham teaches:

The drug sample fulfillment platform of Claim 18, but fails to teach wherein the request database produces a second report correlating an allocation of drug samples of a drug to the prescriber with the number of prescriptions written by the prescriber

relating to the drug. However, Feeney teaches a system that generates a report that keep track of each prescriber sample dispensing (see paragraph 275). Pham would have been motivated to add the feature of keeping of track of prescriber sample dispensing in order to better target advertisements to said physicians based upon said tracking.

As per claim 20, Pham teaches:

The drug sample fulfillment platform of Claim 19, but fails to teach wherein the request database produces a third report accounting for the monetary amount spent by a pharmaceutical company on a drug sample fulfillment program for a drug and a monetary amount associated with prescriptions written by the prescriber for the drug . However, Feeney teaches a system that keeps track of drug sample dispensing by physicians and drug companies (see paragraphs 274-275). Pham would have been motivated to add the feature of accounting for the monetary amount spent by a pharmaceutical company on a drug sample fulfillment program for a drug and a monetary amount associated with prescriptions written by the prescriber for the drug in order to know the monetary success of a sample medication and use said result to adjust marketing of said sample medication.

As per claim 22, Pham teaches:

The networked system of Claim 21, but fails to teach wherein the drug samples are in a form selected from a group consisting of physical samples and pre-printed vouchers. However, the same argument made in claim 16 is made in claim 22.

As per claim 23, Pham teaches:

The networked system of Claim 21, but fails to teach wherein the selectable options of the Web page include a quantity for each drug sample, which is specifiable by the prescriber. However, Feeney teaches a system wherein the selectable options of the Web page include where quantity for each drug sample, which is specifiable by the prescriber (see paragraph 258). Pham would have been motivated to add the feature of allowing physician to indicate the quantity for each drug sample to let the system knows the amount of the said order.

As per claim 24, Pham teaches:

The networked system of Claim 21, but fails to teach the selectable options of the Web page include a delivery location to which the drug samples will be shipped. However, Feeney teaches a system where selectable options of the Web page include a delivery location to which the drug samples will be shipped (see paragraph 111). Pham would have been motivated to add the feature of including a delivery location to which the drug samples would be shipped in order that said sample are delivered to the correct address.

As per claim 25, Pham teaches:

The networked system of Claim 21, but fails to teach wherein the selectable options of the Web page include an option for printing on-demand vouchers on a printer in the office of the prescriber. However, Feeney teaches a system that includes an option for printing on-demand vouchers on a printer in the office of the prescriber (see paragraph 284). Pham would have been motivated to add the feature of allowing a

prescriber to print sample coupons in said prescriber's office for the purpose of making it easier for said prescriber to prescribe said sample medications to users.

As per claim 35, Pham teaches:

The method of Claim 34, but fails to teach receiving a selection for physical samples, the act of receiving including receiving a drug selection, a type of drug sample selection, a quantity of drug sample selection, and a delivery address (see paragraphs 258-259; 111). However, Feeney teaches receiving a drug selection, a type of drug sample selection, a quantity of drug sample selection, and a delivery address (see paragraphs 258-259; 111). Pham would have been motivated to add the feature of receiving a drug selection and quantity in order to let the system delivered the correct sample medication to a prescriber.

As per claim 36, Pham teaches:

The method of Claim 35, but fails to teach receiving a print request to print an order form capturing the drug selection, the type of drug sample selection, the quantity of drug sample selection, and the delivery address. However, Feeney teaches a system of receiving a print request to print an order form capturing the drug selection, the type of drug sample selection, the quantity of drug sample selection, and the delivery address (see Feeney see paragraph 219, 111). Pham would have been motivated to add the feature of receiving a drug selection and quantity in order to let the system delivered the correct sample medication to a prescriber.

As per claim 37, Pham teaches:

The method of Claim 36, recording the requesting activities of the prescriber in a request database (see paragraph 108).

As per claim 38, Pham teaches:

The method of Claim 34, but fails to teach receiving a selection for pre-printed vouchers or print coupons, the act of receiving including receiving a drug selection, and a quantity of coupons to be printed. The same argument made in claim 36 is made in claim 38.

As per claim 39, Pham teaches:

The method of Claim 38, but fails to teach receiving a ship request to ship the pre-printed vouchers or a print request to print coupons capturing the drug selection The same argument made in claim 36 is made in claim 39.

As per claim 40, Pham teaches:

The method of Claim 39, recording the requesting activities of the prescriber in a request database (see paragraph 31).

As per claim 41, Pham teaches:

The method of Claim 40, but fails to teach receiving a request to print a first report that lists registration data of the prescriber, the requesting activities of the prescriber, and the claim data from a claim processor that is indicative of redeemed pre-printed vouchers and print coupons at pharmacies. However, Feeney teaches a system that lists registration data of the prescriber, the requesting activities of the prescriber, and the claim data from a claim processor that is indicative of redeemed pre-printed vouchers and print coupons at pharmacies (see Feeney see paragraphs 274-275).

Pham would have been motivated to add the feature of requesting activities of the prescriber, and the claim data from a claim processor that is indicative of redeemed pre-printed vouchers and print coupons at pharmacies in order to track said prescriber activities and use said tracking to target advertisements and sample medication to said prescriber.

As per claim 42, Pham teaches:

The method of Claim 40, but fails to teach receiving a request to print a second report that correlates drug samples of a drug distributed to the prescriber and with prescriptions written by the prescriber relating to the drug. However, Feeney teaches a system that prints a second report that correlates drug samples of a drug distributed to the prescriber and with prescriptions written by the prescriber relating to the drug (see Feeney paragraph 274-275). Pham would have been motivated to add the feature of that correlates drug samples of a drug distributed to the prescriber and with prescriptions written by the prescriber relating to the drug in order to track said prescriber activities and use said tracking to target advertisements and sample medication to said prescriber.

As per claim 43, Pham teaches:

The method of Claim 40, but fails to teach receiving a request to print a third report that accounts for the return on investment for a monetary amount spent on a drug sample distribution program for a drug and the monetary amount received from prescriptions for the drug. However, Feeney teaches a system that prints a third report that accounts for the return on investment for a monetary amount spent on a drug

sample distribution program for a drug and the monetary amount received from prescriptions for the drug (see Feeney paragraph 274-275). Pham would have been motivated to add the feature of determining the return on investment for a monetary amount spent on a drug sample distribution program in order to track said sample distribution success and use said tracking to adjust marketing of said sample medication.

As per claim 44, Pham teaches:

The method of Claim 40, but fails to teach detecting fraud by comparing the drug sample quantity limit and the time frame in which the drug sample quantity limit is available to the prescriber and the claim data which is indicative of the number of pre-printed vouchers and print coupons redeemed by patients. However, Feeney teaches a system that detects fraud with sample medication prescription (see Feeney paragraph 284-285). Pham would have been motivated to add the feature of detecting fraud in coupon redemption in view that coupon's fraud cost companies a lot of money without said companies receiving a return in the investment of said coupons.

As per claim 45, Pham teaches:

The method of Claim 40, but fails to teach refining the drug sample quantity limit of the prescriber based on the number of redemptions of pre-printed vouchers and print coupons associated with the prescriber. However, Feeney teaches a system that refines the drug sample quantity limit of the prescriber based on the number of redemptions of pre-printed vouchers and print coupons associated with the prescriber (see Feeney

paragraph 282). Pham would have been motivated to track prescriber dispensing of sample medication in order to adjust the marketing of said sample medication.

As per claim 53, Pham teaches:

The system according to claim 6, but fails to teach wherein said fulfillment platform implementing a set of brand rules under which pharmaceutical drug samples are distributed, wherein said brand rules include: product; allocation quantity; sample type selected from a group consisting of live samples, pre-printed samples and on-demand samples; and, drug strength. However, Feeney teaches a system which pharmaceutical drug samples are distributed, wherein said brand rules include: product; allocation quantity; sample type selected from a group consisting of live samples, pre-printed samples and on-demand samples; and, drug strength (see Feeney paragraph 275). Pham would have been motivated to add the feature of which pharmaceutical drug samples are distributed, wherein said brand rules include: product; allocation quantity; sample type selected from a group consisting of live samples, pre-printed samples and on-demand samples; and, drug strength in order to track sample dispensing and use said tracking to better target advertisements to prescribers.

As per claim 54, Pham teaches:

The system according to claim 6, but fails to teach wherein said fulfillment platform implementing a set of brand rules for distributing pharmaceutical drug samples, said brand rules including timing considerations that are selected from a group consisting of sample offer time limits and rolling expiration dates for vouchers from either within or between brands for which a quantity of drug samples can be ordered

However, Feeney teaches a system where implementing a set of brand rules for distributing pharmaceutical drug samples, said brand rules including timing considerations that are selected from a group consisting of sample offer time limits and rolling expiration dates for vouchers from either within or between brands for which a quantity of drug samples can be ordered (see Feeney paragraph 275). Pham would have been motivated to add the feature of setting brand rules of sample offer time limits and expiration dates in order to eliminate the dispensing of outdated sample drugs.

As per claim 55, Pham teaches:

The system according to Claim 6, but fails to teach wherein said fulfillment platform comprising a pharma rules sample engine for implementation brand rules under which a prescriber may obtain drug samples, the pharma rules sample engine modifying the brand rules so as to change a quantity limit of drug samples to be distributed to the prescriber However, Feeney teaches a system sample engine for implementation brand rules under which a prescriber may obtain drug samples, the pharma rules sample engine modifying the brand rules so as to change a quantity limit of drug samples to be distributed to the prescriber (see Feeney paragraph 282). Pham would have been motivated to add the feature of brand rules for the quantity limit of drug sample to be distributed in order to stay in budget in said sample distribution.

Response to Arguments

6. Applicant's arguments in response to July 25, 2005 telephone Interview with respect to the rejection(s) of claim(s) 1-10, 16-25, 31-45 and 51-55 under Feeney have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of Feeney and Pham.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The Examiner's Right fax number is 571-273-6720.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Lastra
September 13, 2005

RAQUEL ALVAREZ
PRIMARY EXAMINER